UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS TX 75202-2733

- 1 NOV 2017

GENERAL NOTICE LETTER/104(e) REQUEST
URGENT LEGAL MATTER, PROMPT REPLY NECESSARY
CERTIFIED MAIL, RETURN RECEIPT REQUESTED #7014 0150 0000 2454 1028

BASF TOTAL Petrochemicals LLC
C T Corporation System
Registered Agent
1999 Bryan Street, Suite 900
Dallas, Texas 75201

Re: Star Lake Canal Superfund Site located in and around the cities of Port Neches and Groves, Jefferson County, Texas; General Notice Letter and CERCLIS #: TX0001414341; Information Request Pursuant to CERCLA Section 104(e), 42 U.S.C. §9604(e), Information Request

Dear Sir or Madam:

The purpose of this letter is threefold, the first purpose is to notify BASF TOTAL Petrochemicals LLC (hereinafter BASF TOTAL Petrochemicals LLC is referred to as "Respondent," "you" or "your") of its potential liability at the Star Lake Canal Superfund Site (Site) located in and around the cities of Port Neches and Groves, Jefferson County, Texas. The second purpose of this letter is to inform you of an existing group of potentially responsible parties (PRPs) that have entered into a settlement agreement with the U.S. Environmental Protection Agency (EPA) to develop a detailed plan for implementation of the Remedial Action selected in EPA's September 30, 2013, Record of Decision (ROD). The third purpose of this letter is to seek your cooperation in providing information and documents relating to the contamination of the Site. (Enclosure 1) Our records indicate that hazardous substances originating from Respondent's property in Jefferson County, Texas may have been released onto the Molasses Bayou Wetland and/or the Molasses Bayou Waterway in Jefferson County, Texas. The Molasses Bayou Wetland and the Molasses Bayou Waterway are two areas of interest (AOI) both being parts of the Site. (Enclosure 2)

BACKGROUND INFORMATION

Star Lake Canal Superfund Site (Site) is located in and around the cities of Port Neches and Groves, Jefferson County, Texas (Map & Aerial Photo, Enclosure 3). The Site includes two industrial canals (Star Lake Canal and Jefferson Canal) and an adjacent wetland area (Molasses Bayou).

The Site is comprised of seven areas of interest (AOI) within or abutting the lengths of two industrial canals from their origins to the confluence of Star Lake Canal with the Neches River and the adjacent wetland area: The Star Lake Canal AOI, the Jefferson Canal AOI, the former Star Lake AOI, the Jefferson Canal Spoil Pile AOI, the Gulf States Utility Canal AOI, the Molasses Bayou Waterway AOI, and the Molasses Bayou Wetland AOI.

100004355

The straight-line distance along Star Lake Canal from its origin east of the intersection of Highway 136 and FM 366 to its confluence with the Neches River is approximately 16,500 feet. The straight line distance along Jefferson Canal from its origin on the east side of Hogaboom Road south of FM 366 to its confluence with Star Lake Canal north of the Hurricane Protection Levee is approximately 4,000 feet. The Molasses Bayou, which is part of the Site, is located southeast of the Star Lake Canal and intersects the canal in two locations. The Gulf States Utility Canal, also part of the Site, is a canal that resulted during the placement of a buried utility line and is located parallel to and approximately 100-200 feet northwest of the Star Lake Canal. The Gulf States Utility Canal extends from the Neches River to a point approximately 500 feet downstream from Sara Jane Road.

A large portion of the Star Lake Canal Site and watershed is dominated by commercial and industrial land use. Industrial operations have occurred in the area surrounding the Site since the early 1940s, and continue to the present date. In 1942, the United States, through predecessors of the Settling Federal Agency, contracted for the construction of synthetic rubber production facilities on land adjacent to and incorporating portions of the Site (the "rubber plants"). Operation of those plants continues to present day, although the products produced by the facilities have changed. There are many other historic and current industrial and chemical manufacturing activities from other plants that led to the deposition of hazardous substances at the Site. Additionally, there is a significant number of underground oil and gas pipelines (owned and operated by a variety of companies) that cross the Site in multiple locations.

Of the 800 acres the United States purchased for the construction and operation of the rubber plants, 77 were used to construct the Star Lake Canal, through which wastewater, cooling water, and sewage from the rubber plants and the other industrial complexes in the area were disposed. Similarly, the Jefferson Canal was constructed in the 1940s to receive wastewater, cooling water, and sewage from neighboring facilities. A number of chemicals at the Site were deposited at the Site due to unpermitted discharges from the facilities that have occurred throughout the years.

Hazardous substances and their constituents were discharged to surface water and sediments in both the Jefferson Canal and the Star Lake Canal by the neighboring industrial facilities. Subsequently, the hazardous substances migrated to other areas and environmental media within the Site. The various transport mechanisms have included sediment re-suspension, surface water transport, dredging of sediment, and erosion of sediment spoil piles.

Texas Water Quality Board (TWQB), now Texas Commission on Environmental Quality (TCEQ), first conducted investigations at the Site during the 1970s. Those investigations focused on pentachlorophenol and toxaphene constituents in the Jefferson Canal sediment. In 1983, sediments impacted with toxaphene were identified that may have been dredged from the canal and placed on its banks. In 1983, an analytical report from a single sample of disposed dredged material revealed concentrations above the laboratory detection limits of toxaphene, acenaphthene, acenaphthylene, anthracene, benzo(a)anthracene, benzo(p)pyrene, benzo(b)fluoranthene, chrysene, fluoranthene, fluorene, naphthalene, phenanthrene, pyrene, and biphenyls.

In the early 1980's to the late 1990's, the Texas Department of Water Resources ("TDWR") and the Texas Natural Resources Conservation Commission ("TNRCC") now the Texas Commission on Environmental Quality ("TCEQ") conducted additional site inspections on behalf of EPA Region 6, such as the 1997 Screening Site Inspection ("SSI") which confirmed levels above the laboratory detection limit were detected in samples collected from the Jefferson and Star Lake Canals: acenaphthene, acenaphthylene, anthracene, arsenic, barium, benzo(b)fluoranthene,

benzo(k)fluoranthene, cyanide, fluoranthene, fluorene, mercury, 2-methylnaphthalene, naphthalene, aroclor-1254 (a polychlorinated biphenyl ("PCB")), phenanthrene, pyrene, and thallium. The January 1999, Expanded Site Inspection ("ESI") included other constituents not listed in the 1997 SSI report: acetone, aldrin, benzene, benzo(g,h,i)pyrelene, chromium, copper, 4,4'-DDD, endosulfan I, ethyl benzene, heptachlor epoxide, indeno(1,2,3-cd)pyrelene, selenium, silver, styrene, toluene, and total xylenes. The Site was listed on the National Priorities List (NPL) on July 27, 2000.

On December 22, 2005, two of the PRPs (Chevron Environmental Management Corporation (on behalf of Texaco Inc.) and Huntsman Petrochemical Corp. (a predecessor of Huntsman Petrochemical LLC)) entered into an Administrative Settlement Agreement on Consent for the Remedial Investigation and Feasibility Study ("RI/FS"). The final RI Report was submitted to EPA in July 2011 and the final FS Report was submitted to EPA in June 2013. The EPA issued the Record of Decision (ROD) on September 30, 2013.

On September 26, 2016, Bridgestone Americas Tire Operations LLC; Cytec Industries Inc.; Goodrich Corp.; Huntsman Petrochemical LLC; Jefferson County Drainage District No. 7; Michelin North America, Inc.; and Texaco Inc., voluntarily entered into a Settlement Agreement and Administrative Order on Consent ("SAAOC") for Remedial Design (RD) with the EPA to develop a detailed plan for implementation of the Remedial Action selected in the September 2013 ROD.

EXPLANATION OF POTENTIAL LIABILITY

Based on the information collected, the EPA believes that you may be liable under Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) with respect to the Site, as an arranger/generator at the Site. Enclosure 1 is the documentation provided to the EPA that indicates you may be liable as one who arranged for the disposal of hazardous substances at the Site.

Under CERCLA, specifically Sections 106(a) and 107(a), 42 U.S.C. §§ 9606(a) and 9607(a), potentially responsible parties (PRPs) may be required to perform cleanup actions to protect the public health, welfare, or the environment. PRPs may also be responsible for costs incurred by the EPA in cleaning up the Site, unless the PRP can qualify for any of the statutory defenses. PRPs include current and former owners and operators of a site, as well as persons who arranged for treatment and/or disposal of any hazardous substances found at the site, and persons who accepted hazardous substances for transport and selected the site to which the hazardous substances were delivered.

Site response actions and Site costs may include, but are not limited to, expenditures for conducting a Removal Action, and other investigation, planning, response oversight, and enforcement activities. In addition, PRPs may be required to pay for damages for injury to, destruction of or loss of natural resources, including the cost of assessing such damages.

RESPONSE TO INFORMATION REQUEST

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) responds to the release or threat of release of hazardous substances, pollutants or contaminants into the environment to stop additional contamination and to clean-up or otherwise address any prior contamination.

The EPA is requesting information under CERCLA Section 104(e). Section 104(e) may be found in the United States Code (U.S.C.) at Title 42 Section (section is denoted by the symbol "§") 9604(e), 42 U.S.C. § 9604(e).

Pursuant to the authority of CERCLA Section 104(e), you are hereby requested to respond to the enclosed information request. If you have any questions concerning the Site's history or this information request letter, please contact Mr. Kenneth Talton, the designated Enforcement Officer for the Site, at phone number (214) 665-7475, fax number (214) 665-6660 or via email at talton.chuck@epa.gov. Please mail your response within 30 calendar days of your receipt of this request to the following address:

Mr. Kenneth Talton, Enforcement Officer
Superfund Enforcement Assessment Section (6SF-TE)
U.S. EPA, Region 6
1445 Ross Avenue
Dallas, TX 75202-2733

If you or your attorney have legal questions that pertain to this information request letter, please contact Mr. Edwin Quinones at phone number (214) 665-8035, fax number (214) 665-6460 or via email at quinones.edwin@epa.gov. For contact via mail, use the following address:

Mr. Edwin Quinones, Attorney
Office of Regional Counsel (6RC-S)
U.S. EPA Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

The EPA would like to encourage communication between you, other PRPs, and EPA regarding response actions at the Site. If you would like to discuss the opportunity to join the SAAOC for RD mentioned above, please contact Mr. N. Tobias Smith, counsel representing the SAAOC for RD PRP group within **30 days** of receipt of this notice letter at the following address:

N. Tobias Smith
Partner
Strasburger Attorneys At Law
901 Main Street, Suite 6000
Dallas, Texas 75202
(214) 651-4611
tobias.smith@strasburger.com

We encourage you to give this matter your immediate attention. If you choose not to join the settlement or pursue other options to satisfy your potential liability with the EPA, the EPA will evaluate enforcement options.

Also included in this letter to assist you are: the evidence as Enclosure 2; the Small Business Resource Fact Sheet as Enclosure 3; the map & aerial photo as Enclosure 4; the parties that previously received general and/or special notice as Enclosure 5; and parties receiving this letter as Enclosure 6.

FINANCIAL CONCERNS/ABILITY-TO-PAY SETTLEMENTS

The EPA is aware that the financial ability of some PRPs to contribute toward the payment of response costs at a site may be substantially limited. In accordance with Section 122(g)(7) of CERCLA, 42 U.S.C. § 9622(g)(7), the EPA will review financial information that you submit in order to determine whether you have an inability or a limited ability to pay response costs incurred at the Site. As part of this review, the EPA will take into consideration your overall financial condition and demonstrable constraints on your ability to raise revenue. Based upon the financial information that you may submit, EPA will determine whether it can qualify for a reduction in the settlement amount and/or an alternative payment method within the meaning of Section 122(g)(7) of CERCLA, 42 U.S.C. § 9622(g)(7).

If you believe that you qualify for a reduction in any settlement amount and/or alternative payment amount under the criteria described in the paragraphs above, please contact Mr. Talton, at 214-665-7475 for information on "Ability to Pay Settlements." In response, you will receive a package of information about the potential for such settlements and an information request for your relevant financial information, and you will be asked to submit financial records including business federal income tax returns. If the EPA concludes that you have a legitimate inability to pay the full amount of the response costs, the EPA may offer a schedule for payment over time or a reduction in the total amount demanded from you.

Also, please note that because the EPA has a potential claim against you, if your financial status changes in any significant way, e.g., filing for bankruptcy, you must include the EPA as a creditor. The EPA reserves the right to file a proof of claim or an application for reimbursement of administrative expenses.

RESOURCES AND INFORMATION FOR SMALL BUSINESSES

As you may be aware, on January 11, 2002, President Bush signed into law the Superfund Small Business Liability Relief and Brownfields Revitalization Act. This Act contains several exemptions and defenses to CERCLA liability, which we suggest that all parties evaluate. You may download a copy of the law at http://www.gpo.gov/fdsys/pkg/PLAW-107publ118/pdf/PLAW-107publ118.pdf and review the EPA guidance's regarding these exemptions at http://cfpub.epa.gov/compliance/resources/policies/cleanup/superfund/.

The EPA has created a number of helpful resources for small businesses. The EPA has established the National Compliance Assistance Clearinghouse as well as Compliance Assistance Centers which offer various forms of resources to small businesses. You may inquire about these resources at http://www.epa.gov/compliance/compliance-assistance-centers. In addition, the EPA Small Business Ombudsman may be contacted at http://www.epa.gov/resources-small-businesses/forms/contact-us-about-resources-small-businesses. Finally, the EPA has developed a fact sheet about the Small Business Regulatory Enforcement Fairness Act (SBREFA) and information on resources for small businesses, which is enclosed with this letter as Enclosure 4 and available on the Agency's website at http://www.epa.gov/compliance/small-business-resources-information-sheet.

Thank you in advance for your cooperation. We look forward to working closely with you in the future. If you have any questions regarding the notice or any of the documentation included, please contact Mr. Talton at 214-665-7475 or talton.chuck@epa.gov. Questions concerning legal matters should be directed to the EPA site attorney, Mr. Edwin Quinones, at 214-665-8035 or quinones.edwin@epa.gov. Thank you for your attention to this matter.

Sincerely yours,

Ben Banipal, P.E., Branch Chief
Technical and Enforcement Branch
Superfund Division

Enclosures:

1 Information Request
2 Information on Involvement at the Site
3 Map & Aerial Photo
4 Small Business Resource Fact Sheet
5 Parties that previously received General and/or Special Notice Letters
6 Parties receiving this 104(e)/General Notice

cc: BASF TOTAL Petrochemicals LLC
c/o Christopher Zaro
100 Park Ave
Florham Park, New Jersey 07932

ENCLOSURE 1

STAR LAKE CANAL SUPERFUND SITE
PORT NECHES & GROVES, JEFFERSON COUNTY, TEXAS
INFORMATION REQUEST

INFORMATION REQUEST

Under the authority of Section 104(e) of Superfund, EPA is requesting you to respond to the attached Information Request and to provide any relevant information related to this Site. Relevant information may include information concerning the type and quantity of substances transported to or treated, stored, or disposed of at the Site and releases of hazardous substances at or from the Site.

If you have information about other parties who may have information which may assist the EPA in its investigation of the Site or may be responsible for the contamination at the Site, that information should be submitted within the time frame noted above.

Under Section 104(e)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9604(e)(2), EPA has broad information gathering authority which allows EPA to require persons to furnish information or documents relating to:

(A) the identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at vessel or facility or transported to a vessel or facility; and,

(B) the nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility; and

(C) information relating to the ability of a person to pay for or to perform a cleanup.

While EPA seeks your cooperation in this investigation, compliance with the Information Request is required by law. **Failure to respond to such an information request may result in EPA seeking penalties of up to $53,907 per day of violation.** In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. The information you provide may be used by EPA in administrative, civil, or criminal proceedings. We encourage you to give this matter your immediate attention and request that you provide a complete and truthful written response to this Information Request **within (30) calendar thirty days of your receipt of this letter.**

Please be aware that your response may include information that you consider confidential business information. If you make a claim of confidentiality on any of the information you submit to EPA, you must prove that claim for each document.

Instructions on how to respond to the Questions are described in this document. Please send your response to this Information Request to Mr. Kenneth Talton at the address in the letter.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §§3501 et seq.

INSTRUCTIONS AND DEFINITIONS

1. Please provide a separate narrative response for each and every Question and subpart of a Question set forth in this Information Request.

2. Precede each answer with the Question (or subpart) and the number of the Question (and the letter of a subpart of a Question, if applicable) to which it corresponds.

3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, ***you must supplement*** your response to the U.S. Environmental Protection Agency (EPA). Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, though correct when made, is no longer true, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.

4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question (and the letter of a subpart of a Question, if applicable) to which it responds.

5. You may assert a business confidentiality claim covering part or all of the information which you submit in response to this request. Any such claim must be made by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet or a stamped or typed legend or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by the EPA. If you make such a claim, the information covered by that claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in subpart B of 40 CFR Part 2. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. The requirements of 40 CFR Part 2 regarding business confidentiality claims were published in the Federal Register on September 1, 1976, and were amended September 8, 1976, and December 18, 1985.

6. Personal Privacy Information. Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."

7. Objections to questions. If you have objections to some or all the questions within the Information Request Letter, you are still required to respond to each of the questions.

DEFINITIONS

The following definitions shall apply to the following words as they appear in this enclosure:

1. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
2. The term "any", as in "any documents" for example, shall mean "any and all."

3. The term "arrangement" means every separate contract or other agreement between two or more persons.

4. The terms "document(s)" and "documentation" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with the printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document.

5. The term "hazardous material" shall mean any hazardous substances, pollutants or contaminants, and hazardous wastes, as defined below.

6. The term "hazardous substance" shall have the same definition as that contained in Subsection 101(14) of CERCLA, 42 U.S.C. § 9601(14), and includes any mixtures of such hazardous substances with any other substances.

7. The term "hazardous waste" shall have the same definition as that contained in Section 1004(5) of RCRA, 42 U.S.C. § 6903(5), and 40 CFR Part 261.

8. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business and personal addresses, email address(es), and telephone numbers, and present or last known job title, position or business. Also provide e-mail addresses.

9. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation [including state of incorporation], partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses.

10. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.

11. The term "material(s)" shall mean any and all objects, goods, substances, or matter of any kind including, but not limited to, wastes or hazardous wastes.

12. The term "operator" shall mean those persons who operates or operated the facility (i.e., the Star Lake Canal Superfund Site) during the time when the hazardous substances were disposed.

13. The term "owner" shall mean those persons who now own or owned the facility (i.e., the Star Lake Canal Superfund Site).

14. The term "person" shall have the same definition as in Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

15. The terms "pollutant" or "contaminant," shall have the same definition as that contained in Section 101(33) of CERCLA, 42 U.S.C. § 9601(33), and includes any mixtures of such pollutants and contaminants with any other substances. The term shall include, but not be limited to, any element, substance, compound, or mixture. The term shall also include disease-causing agents which after release into the environment will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunction in reproduction), or physical deformations.

16. The term "release" has the same definition as that contained in Section 101(22) of CERCLA, 42 U.S.C. § 9601(22), and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.

17. The term "Site" or "Facility" shall mean and include the Star Lake Canal Site located in and around the cities of Port Neches and Groves (both cities in Jefferson County, Texas).

18. The term "solid waste" shall have the same definition as that contained in Section 1004(27) of RCRA, 42 U.S.C. § 6903(27), and 40 CFR Part 261.

19. The term "you" or "your" or "Respondent" or "you" shall mean the addressee of this Request, including the addressee's officers, managers, employees, contractors, tastes, partner, successors and agents.

20. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.

21. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.

22. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.

QUESTIONS

GENERAL INFORMATION CONCERNING RESPONDENT

1. Provide the full legal name and mailing address of the Respondent. Also, identify Respondent's prior name(s) and Respondent's assumed name(s).

2. Identify and provide the full name, title, business address, and business telephone number for each person answering these questions on behalf of the Respondent, and each person(s) that was relied on or consulted with in the preparation of the answer.

3. If Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, and telephone number.

4. If Respondent is a business, please give a brief description of the business formation and nature of the business.

REQUESTS FOR DOCUMENTS

Please identify (see Definitions) and provide copies of all documents (see Definitions) consulted, examined, or referred to in the preparation of the answers to the above questions including all subparts of each question, or that contain information responsive to the question.

1. Does or did Respondent own and/or operate on parcel(s) and/or tract(s) of land situated in, and/or adjacent to, the area known as Molasses Bayou in Jefferson County, Texas and/or parcel(s) and/or tract(s) of land between Pure Atlantic Road (a/k/a Highway 366) and Molasses Bayou in Jefferson County, Texas?

    a. If Respondent's answer to this question is yes, please provide a copy of each recorded deed that documents each purchase (purchased land area hereafter referred to as "Respondent's Molasses Bayou Property" or "its Molasses Bayou Property").

    b. If Respondent's answer to this question is no, please identify the owner(s) of the property upon which Respondent currently conducts business operations in the area between Pure Atlantic Road (a/k/a Highway 366) and Molasses Bayou in Jefferson County, Texas.

2. **Prior** to Respondent's acquisition and/or control of its Molasses Bayou Property, had Respondent been advised, heard rumors, or been given reason to believe any hazardous substance had been disposed of onto the property, released onto the property, allowed to drain across the property, and/or drain from the property onto any part of the adjacent Molasses Bayou wetland? If Respondent's answer to this question is yes, please explain and provide copies of all documents having information about the disposal/release of any hazardous substance(s).

3. **At any time after** Respondent acquired and/or controlled any part of Its Molasses Bayou Property, had Respondent been advised, heard rumors, or had reason to believe any hazardous substance had been disposed onto the property, released onto the property, allowed to drain across the property, and/or drain from the property onto any part of the adjacent Molasses Bayou wetland? If Respondent's answer to this question is yes, please explain and provide copies of all documents having information about the disposal/release of such hazardous substance(s).

4. Has Respondent ever leased, rented, or in any other way allowed any person(s) and/or any business entity/entities to dispose/release any hazardous substance onto Its Molasses Bayou Property? If Respondent's answer to this question is yes, please explain and provide a copy of all lease agreements, all rental agreements, and/or other written agreements that granted/allowed the disposal/release of a hazardous substance onto Its Molasses Bayou Property.

5. Provide copies of all environmental investigations initiated by Respondent that were/are related to disposal/release of a hazardous substance onto Its Molasses Bayou Property.

6. Provide copies of all reports Respondent has received from the City of Port Neches, the County of Jefferson, and/or the State of Texas that pertain to disposal/release of any hazardous substance(s);

   a. **On** Respondent's Molasses Bayou Property.

   b. **From** Respondent's Molasses Bayou Property via drainage across the property and thereafter onto part(s) of the adjacent Molasses Bayou wetland.

7. Describe Respondent's activities that pertain to disposing/releasing hazardous substances on Its Molasses Bayou Property. Unless Respondent's answer to the preceding statement is, "Respondent has never conducted any of the described activities on its Molasses Bayou Property," please answer the following questions:

   a. Described the type(s) and quantity of hazardous substance(s) released onto Respondent's Molasses Bayou Property, and

   b. Describe the chemical composition, characteristics, physical state, e.g., solid, liquid, gas, of each hazardous substance(s) released onto Respondent's Molasses Bayou Property, and

   c. Identify the quantity/quantities of each such hazardous substance(s) released onto Respondent's Molasses Bayou Property.

8. At any time was any hazardous substance(s) from any person(s), from any adjacent property owner(s), and/or from any business entity/entities (other than from Respondent) released onto Respondent's Molasses Bayou Property? Unless Respondent's absolute answer to the preceding statement is, "Such described activities never occurred on or at Respondent's Molasses Bayou Property," please answer the following questions:

a. Describe type(s) and quantity of hazardous substance(s) released onto Respondent's Molasses Bayou Property, and

b. Describe the chemical composition, characteristics, physical state, e.g., solid, liquid, gas, of each hazardous substance(s) released onto Respondent's Molasses Bayou Property, and

c. Identify the quantity/quantities of each such hazardous substance(s) released onto Respondent's Molasses Bayou Property, and

d. Identify the person(s) and/or business entity/entities that transported the hazardous substance(s) that had been released onto Respondent's Molasses Bayou Property, and

e. Identify the person(s) and/or business entity/entities from which the transporter(s) obtained the hazardous substance(s) that had been released onto Respondent's Molasses Bayou Property, and

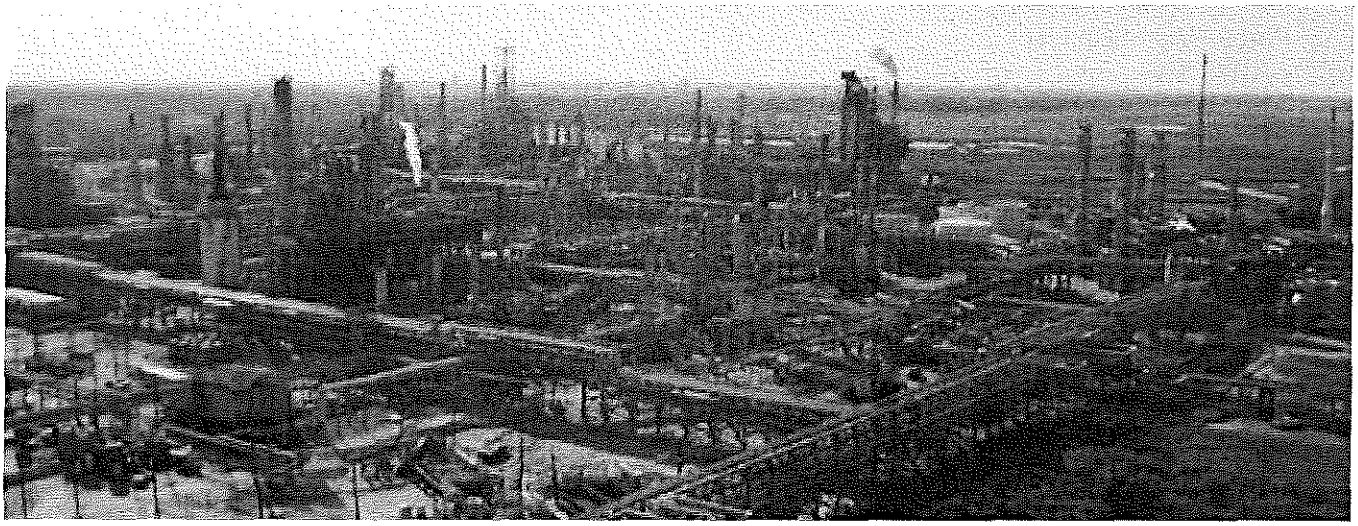
f. Date(s) the hazardous substance(s) had been released onto Respondent's Molasses Bayou Property

ENCLOSURE 2

STAR LAKE CANAL SUPERFUND SITE
PORT NECHES & GROVES, JEFFERSON COUNTY, TEXAS
GENERAL NOTICE LETTER

INFORMATION ON INVOLVEMENT AT THE SITE

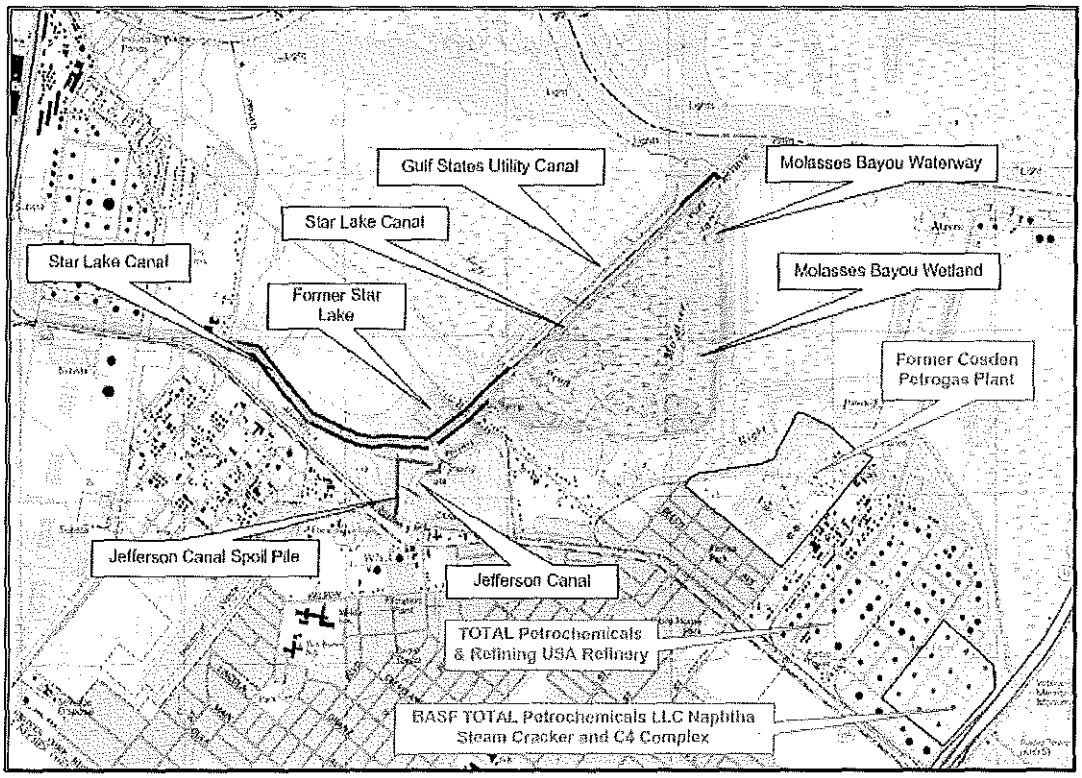
Nexus Summary
For The
TOTAL Petrochemicals & Refining USA, Inc.



Source: "Total SA Explores Partnership for Port Arthur Refinery Logistics Assets," *American Energy News*, June 16, 2016

Table of Contents

Part I – Site Summary Overview
Part 2 – Summary of Key Information
Part 3 – Permits
Part 4 – Complaints, NOVs, Consent Orders, Enforcement Actions
Part 5 – Environmental Studies or Investigations
Part 6 – Pathway
Part 7 – Nexus Summary
Part 8 – Corporate Succession and Corporate Relationships
Part 9 – Acronym List

Part I – Site Summary Overview - Total Petrochemicals & Refining USA, Inc.	
Refinery Operational Period	July 1973 to the present American Petrofina, Inc. ("American Petrofina"); Fina Oil and Chemical Company ("Fina Oil"); Atofina Petrochemicals, Inc.; Total Petrochemicals USA, Inc.; and Total Petrochemicals & Refining USA, Inc. ("TOTAL")
Petrogas Plant Operational Period	circa 1976 to April 1991 Cosden Oil & Chemical Company ("Cosden") and Fina Oil and Chemical Company ("Fina Oil")
Steam Cracker and C4 Complex Operational Period	2000 to 2012 Sabina Petrochemicals LLC (merged into BFLP) 1998 to the present BASF TOTAL Petrochemicals LLC f.k.a. BASF FINA Petrochemicals LLC ("BFLP")
	 Figure 1. The topographic map depicts the TOTAL Refinery in relation to the seven highlighted Areas of Investigation ("AOIs") in the Star Lake Superfund Site.[1] Source: USGS, 1993

[1] The seven AOIs, as depicted in Figure 1, include Jefferson Canal, Jefferson Canal Spoil Pile, Former Star Lake, Star Lake Canal, Gulf State Utility Canal, Molasses Bayou Waterway, and Molasses Bayou Wetland (Conestoga-Rovers & Associates and Cardno ENTRIX, *Final Tier 2 Remedial Investigation Report*, August 2011, pp. 12–14; USEPA Region 6, *Record of Decision: Star Lake Canal Superfund Site*, September 2013, pp. 1–3).

Part I – Site Summary Overview - Total Petrochemicals & Refining USA, Inc.	
Nexus Summary	Discharges from the Refinery and Petrogas Plant, containing CERCLA-listed hazardous substances, contributed to contamination present in the Star Lake Canal Superfund Site and the Molasses Bayou Waterway and Molasses Bayou Wetlands AOIs in particular. Available documents do not provide information on potential discharges to the Star Lake Canal Superfund Site from the Naphtha Steam Cracker and C4 Complex.

Part 2 – Summary of Key Operational Information

Operational Chronology:

July 1973

- American Petrofina acquired the refinery, constructed around 1936, from Sohio.[2] At the time, it had a crude oil throughput capacity of 84,000 bpd.[3]

by 1976

- Cosden, a subsidiary of American Petrofina, constructed the Petrogas Plant.[4]

1977

- With the addition of the Petrogas Plant, the refinery's crude oil throughput capacity increased to 110,000 bpd.[5]

1982

- American Petrofina expanded the refinery with a solvent extraction unit, a continuous catalytic reformer, an isomerization unit, a benzene-toluene-xylene unit, a sulfur recovery/SCOT unit, and a hydrodesulfurization unit.[6]

as of 1985

- The Petrogas Plant processed natural gas and "pipe steel" off-gas, as well as C-3 liquid from the adjacent refinery. Natural gas was received by pipeline. The plant recovered propane, propylene, butane, and lighter fuel gas from these streams. Fuel gas was sold to Fina Oil and Chemical Company. Propane, propylene, and butane were sold to Texaco and U.S. Steel Corporation. All finished goods produced by Cosden were shipped by truck.[7]

[2] Moody's Industrial Manual, 1990, vol. 1, p. 2571.

[3] "U.S. Refineries: Where, Capacities, Types of Processing," *Oil and Gas Journal*, April 1, 1974, p. 101.

[4] George E. Maxon, Jr., letter to Cosden Oil & Chemical Co., May 6, 1976; Texas Water Quality Board, Notice of Registration, May 3, 1976.

[5] "U.S. Refineries: Location, Capacities, Types of Processing," *Oil and Gas Journal*, March 28, 1977, p. 116.

[6] Port Arthur Centennial History, 1898–1998, p. 93.

[7] Connie Mathews, Texas Department of Water Resources, Telephone Memo to the File, December 2, 1985.

Part 2 – Summary of Key Operational Information

1988

- American Petrofina expanded the refinery with an atmospheric crude unit, an amine treating unit, a saturate gas liquids recovery unit, and a fluid catalytic cracking unit.[8]

April 1991

- The Petrogas Plant ceased operations. The vessels, columns, and other equipment were cleaned prior to shut down in 1991 and the plant was scheduled to be demolished and sold for scrap sometime after August 1993.[9]

1998

- BFLP began construction of a naphtha steam cracker on the eastern portion of the refinery.[10]

December 2001

- BFLP began operating the naphtha steam cracker to produce ethylene, propylene, and other chemical raw materials.[11]

2002

- Sabina Petrochemicals LLC began construction of an integrated C4 olefins complex between the naphtha steam cracker and the refinery tank farm that would include the world's largest single train butadiene extraction unit.[12]

2017

- The TOTAL refinery produces transportation fuels, petcoke, aromatics, and LPG. It has a crude oil throughput capacity of 174,000 bpd.[13]

[8] Port Arthur Centennial History, 1898–1998, p. 93–4.

[9] Jeff Baker, letter to TWC, August 10, 1993.

[10] PR Newswire, "BASF FINA Petrochemicals Celebrates Start of Construction of World's Largest Steam Cracker," news release, November 12, 1998.

[11] BASF Corporation, "BASF FINA Petrochemicals LP Celebrates 10 Years of Operations with Port Arthur Area Leaders," news release, December 6, 2011; BASF FINA Petrochemicals LP, Naphtha Steam Cracker, Port Arthur, Texas, Fact Sheet, April 2006.

[12] BASF Corporation, "BASF FINA Petrochemicals LP Celebrates 10 Years of Operations with Port Arthur Area Leaders," news release, December 6, 2011; Alan S. Brown, "Shell, BASF, Atofina Approve Port Arthur C4 Olefins Complex," *Chemical Online*, November 3, 2000; PR Newswire, "BASF, ATOFINA Celebrate Launch of $1 Billion Steam Cracker," news release, June 11, 2002.

[13] TOTAL Port Arthur Refinery, Fact Sheet.

Part 3 – Permits

Texas Industrial Wastewater Discharge Permit

Texas Water Commission ("TWC") industrial wastewater discharge permit No. 00491 was transferred to American Petrofina when it acquired the refinery (the "Site").[14]

NPDES

On September 17, 1978, NPDES Permit No. TX0004201 was issued to American Petrofina.[15]

State Solid Waste Management / RCRA

American Petrofina

RCRA ID No. TX0065099160.

Cosden

On May 3, 1976, the Texas Water Quality Control Board ("TWQCB") registered the Petrogas Plant as a solid waste generator and assigned it Waste Registration No. 30521.[16] Under this registration, Cosden disposed of sludge from its wastewater settling pond on the refinery's land farm.[17] On July 6, 1977, Solid Waste Registration No. 30521 was amended to reflect a change relating to the management of spent caustic solution.[18] Beginning on April 1, 1977, the Petrogas Plant began piping 156 gallons of spent caustic waste from the scrubber that generated it to the wastewater treatment plant of the adjacent refinery for use as a buffer solution.[19] An inspection, conducted on January 26, 1982, noted that the spent caustic was stored in a closed, aboveground storage tank within secondary containment and pumped once weekly to an equalization basin associated with the wastewater treatment facility where it was used for pH adjustment.[20] On April 23, 1984, American Petrofina submitted an Affidavit of Exclusion for the tank used to store spent caustic, claiming an "Accumulation Time" storage exclusion because it emptied the tank once per week. As of November 1985, the Texas Department of Water Resources ("TDWR") had not accepted the request.[21]

Cosden, RCRA ID No. TXD060707965. In a letter dated August 8, 1986, the USEPA notified Cosden that it had reason to believe that the Petrogas Plant might not be RCRA-compliant because it had not submitted waste minimization information.[22]

BFLP

On October 16, 2000, BFLP submitted a Notification of Regulated Waste Activity to the USEPA, indicating

[14] B. P. Corporation, Industrial Wastewater Discharge Permit No. 00491; TDWR, Effluent Report, American Petrofina Company of Texas, Permit No. 00491, May 28, 1985.

[15] Fact Sheet (R06-9716636), December 6, 1979.

[16] George E. Maxon, Jr., letter to Cosden Oil & Chemical Co., May 6, 1976; Texas Water Quality Board, Notice of Registration, May 3, 1976.

[17] Texas Department of Water Resources, Notice of Registration, January 31, 1983; Walter W. Loper, Cosden Oil & Chemical Co., letter to Texas Water Quality Board, February 27, 1976.

[18] J. C. Mahon, American Petrofina Company of Texas, letter to Texas Department of Water Resources, March 18, 1982.

[19] Walter W. Loper, Cosden Oil & Chemical Co., letter to Texas Water Quality Board, April 1, 1977.

[20] David Buchanan to Gary Schroeder, interoffice memorandum, Texas Department of Water Resources, March 8, 1982.

[21] Burt L. St. Cyr, letter to Texas Department of Water Resources, April 23, 1984; Texas Water Commission, Solid Waste Compliance Monitoring Inspection Report, Cosden Chemical Division, November 6, 1985.

[22] USEPA to Fina Oil and Chemical Co. – Cosden, August 8, 1986.

Part 3 – Permits

that the facility generated more than 2,200 lbs. of hazardous waste.[23]

BFLP's carbon absorption system ("CAS") was permitted under TCEQ standard permit No. 50827. In May 2003, BFLP requested USEPA approval to register the CAS as a back-up control device to its thermal oxidizer under NSPS Part 60 Subparts NNN and RRR.[24]

Part 4 – Complaints, NOVs, Consent Orders, Enforcement Actions

American Petrofina

In 1978, the USEPA found that American Petrofina did not have a proper flow measuring device on Outfall 002. Agency sampling identified 24 toxic pollutants in the flow from Outfall 002, which discharged to the Molasses Bayou and wetlands area proximate to the refinery. In addition, treated process water discharged from Outfall 003 to the Molasses Bayou contained five toxic compounds. An excerpt from the agency's findings is presented below.[25]

TOXIC/HAZARDOUS POLLUTANTS ASSESSMENT

The "uncontaminated discharge" through outfall 002 contained the following 24 toxic pollutants:

Pollutant	ug/l	Pollutant	ug/l	Pollutant	ug/l
Carbon tetrachloride	61	Toluene	8	C_3sub benzene	
1,1,1-trichloroethane	460	1,4-dichlorobenzene	15	C_4sub benzene	
1,1-dichloroethene	91	Naphthalene	7	C_5sub benzene	200
Chloroform	260	Phenanthrene	3	C_1sub naphthalene	
1,1 dichloroethylene	26	Flourene	2	C_2sub napthalene	
Ethylbenzene	7	Phenolics	11	C_3sub naphthalene	
Methylene chloride	14	Cyanide	16	Chromium	45
Dichlorobromomethane	18	Arsenic	3	Zinc	70

The treated process water (Outfall 003) contained the following toxics.

Pollutant	ug/l	Pollutant	ug/l
Methylene chloride	1400	Tolune	4
Phenol	0.25	Arsenic	3
Total chromium	65		

[23] BFLP, Notification of Regulated Waste Activity, October 16, 2000.

[24] Jannetta Bowden, letter to USEPA Region 6, May 20, 2003.

[25] Fact Sheet (R06-9716636), December 6, 1979.

Part 4 – Complaints, NOVs, Consent Orders, Enforcement Actions

In a 1986 RCRA Preliminary Assessment, the USEPA identified nine potential SWMUs at the American Petrofina refinery and found that releases were highly likely to have occurred at three of the SWMUs.[26] An excerpt from the RCRA Preliminary Assessment Summary documenting this issue is presented below:

> B. NUMBER OF SWMU AT WHICH A RELEASE IS HIGHLY POSSIBLE: 3
>
> (SIs should be conducted for each SWMU in this category unless an SI under C. has been indicated which will include this SWMUs).
>
> | LIST OF SWMU | REASONS (i.e., Waste characteristics, depth of GW, soil permeability, etc.) |
> |---|---|
> | (1) Surface Impoundment (NOR-1) | -Overtopping and lack of freeboard. |
> | (2) Container Storage Area(NOR-4) | -Partially empty drums stored upside down drum spewing contents on ground-pressurized from sun's heat; and drums improperly closed had collected rain-water. |
> | (3) Landfarm | -Improper closure due to lack of sampling; high potential for releases to groundwater considering waste management practices. |

The Preliminary Assessment Summary also indicated that the USEPA agreed with the TWC's recommendation for a Site Investigation of the surface impoundment area, container storage area, and Biological Treatment Aeration Pond.

Cosden

A TWC inspection of the Petrogas Plant conducted on November 6, 1985, concluded that both a tank used to store spent caustic and the earthen storm water basin where spent caustic was diluted with runoff prior to being pumped to the wastewater treatment unit associated with the adjacent refinery constituted hazardous waste facilities. The wastewater treatment facility treated and discharged the effluent through Outfall 001, which discharged to the Molasses Bayou wetlands area. As such, the inspector noted, both the Petrogas Plant and the refinery lacked all RCRA requirements for hazardous waste facilities. Further, Cosden had not provided notification of the tank and the surface impoundment as hazardous waste storage facilities. In addition, the inspection noted that the site's pumping system continued to be overwhelmed during heavy rainfall, resulting in storm water and spent caustic from the earthen storm water basin discharging through Outfall 001.[27] On November 18, 1985, the TWC District 6 Office submitted an enforcement request to the TWC central office.[28] In December 1986, the Texas Railroad Commission assumed jurisdiction in the case. In January 1987, the TWC concluded that no further action on its part was necessary.[29]

On January 29, 1985, the USPEA conducted an NPDES Compliance Inspection of the refinery. During the

[26] RCRA Preliminary Assessment Summary, American Petrofina (R06-9716625), April 17, 1986. Requests for documents relating to additional environmental investigations have been submitted but have not yet been received.

[27] TWC, Solid Waste Compliance Monitoring Inspection Report, Cosden Chemical Division, November 6, 1985.

[28] Harry D. Boudreaux to Mert Coloton, interoffice memorandum, TWC, November 18, 1985; Ann C. Dobbs to Bob Lee, interoffice memorandum, TWC, January 16, 1987.

[29] Ann C. Dobbs to Bob Lee, interoffice memorandum, TWC, January 16, 1987.

Part 4 – Complaints, NOVs, Consent Orders, Enforcement Actions

inspection, a slight sheen of oil was observed from effluent emanating from Outfalls Nos. 001, 002, and 003. Grease was seen in the effluent at Outfalls Nos. 001, 002, and 003.[30] The USEPA inspector noted that the oil and grease accumulation at Outfalls 001 and 002 were contained by booms at the property line. American Petrofina claimed to vacuum out these areas on a routine schedule, but the inspection report noted that "a rain storm could easily wash these accumulations out into the receiving streams or marshes." American Petrofina was experiencing elevated pH levels at Outfall 002 which the USEPA indicated "could" be caused by a steam condensate discharge just upstream of the outfall. The soil along the runoff path from the condensate discharge was cobalt blue. The water in the outfall was bright green, potentially indicating a copper salt problem.[31]

On May 3, 1985, a refinery transfer line failed and approximately 6,000 barrels of clarified oil spilled into the process sewer. The line failed in a catch basin where the transfer line crossed the header to the wastewater treatment system transversely. By the time that the source of the oil was identified, the oil had passed through the CPI separators, the Dissolved Air Flotation Unit, and the equalization basin, and had accumulated in the Aeration Basin. Trace quantities were found in the final clarifier. The only permit exceedances arising from the spill was for BOD_5 and ammonia.[32]

On May 28, 1985, the Texas Department of Water Resources conducted an inspection of the refinery, owing to numerous self-reported non-compliances. The TDWR found that the effluent from Outfall 003 was non-compliant because of a high ammonia-nitrogen concentration.[33]

On September 6, 1986, the effluent from Outfall 002 was acidic with a pH of 3.2, owing to a leak in an acid line. The line was taken out of service until repairs were made.[34]

On December 8, 1986, Fina Oil discharged 1,871.4 lbs. of oil and grease to Outfall 003, which was more than 3.5 times the permitted limit of 490 lbs. per day. The discharge was caused by oily, biological sludge that discharged from the final clarifier.[35]

A TWC inspection conducted on June 2, 1987, noted that spent caustic continued to be stored in a carbon steel aboveground storage tank at the Petrogas plant, but from there it was now transferred to the wastewater treatment facilities of the adjacent refinery by either direct discharge into the process sump or vacuum truck. That is, it no longer was discharged to the surface impoundment. The company had not yet established interim status for its hazardous waste facilities and so remained in violation of all applicable regulations. The company contended that spent caustic was not solid waste and that therefore it had not analyzed the waste. A sample collected from the tank during the inspection contained a pH level of 13.7, confirming that the spent caustic was hazardous waste.[36]

[30] USEPA, NPDES Compliance Inspection Report, January 29, 1985, Section L.

[31] Letter from American Petrofina Company of Texas to the USEPA, February 8, 1985; USEPA, NPDES Compliance Inspection Report, January 29, 1985, Section L.

[32] Letter from American Petrofina Company of Texas to the USEPA, June 5, 1986.

[33] TDWR, Effluent Report, May 28, 1985.

[34] Letter from American Petrofina Company of Texas to the USEPA, September 10, 1986.

[35] Letter from American Petrofina Company of Texas to the USEPA, December 8, 1986.

[36] TWC, Solid Waste Compliance Monitoring Inspection Report, Cosden Chemical Division—Petrogas Plant, June 22, 1987; Pat Fontenot to Sam Pole, interoffice memorandum, TWC, June 22, 1987.

Part 4 – Complaints, NOVs, Consent Orders, Enforcement Actions

Between December 1989 and January 1990, effluent discharged from Outfall 003 exceeded BOD_5 permit levels eight times. According to Fina Oil, these exceedances were caused by record cold temperatures that affected mechanical equipment and the wastewater treatment unit.[37]

During May 1991, the discharge to Outfall 001 generated by the refinery exceeded pH levels 11 times. Fina Oil stated that these exceedances were caused by a large amount of alkaline construction materials that had been placed on the 16 acres adjacent to collection system for Outfall 001. Also during May, five oil sheens were observed each from Outfalls 001 and 002. Fina Oil attributed these sheens to construction on the adjacent 16 acres of property. During flooding in June, five barrels of oil associated with 10,000 barrels of storm water discharged into the Motor Boat Canal when the South Wastewater Conveyance System Storm Water Transfer Pump Station was not activated.[38]

In September 1991, Fina Oil informed the USEPA that the company was planning on building a retention basin upstream of Outfall 001 to provide sufficient time to retain storm water to allow oil to separate from the water prior to discharge.[39] During the construction of the basin, discharges from Outfall 001 exceeded permitted pH levels as a result of water coming into contact with concrete as it cured.[40]

In October 1991, Fina Oil experienced a temporary bypass of untreated water that entered into the Motor Boat Canal from the refinery. Approximately two barrels of oil were recovered from the contained area and an undetermined amount of untreated water entered into the Motor Boat Canal. Test results indicated that the untreated process wastewater contained phenols at 2.1 mg/L, which exceeded NPDES-permitted levels.[41]

For the month of November 1991, Fina Oil averaged 216.2 lbs. per day of ammonia-nitrogen in its discharge to Outfall 003 from the refinery, which exceeded its NPDES-permitted daily average for the month of 195 lbs. per day.[42]

A table summarizing the number of NPDES violations is attached as Table 1.

Part 5 – Environmental Studies or Investigations

Regulatory agency requests have been submitted to obtain additional materials.

[37] Letter from Fina Oil and Chemical Company to the TWC, April 23, 1991, pp. 1–2.

[38] Letter from Fina Oil and Chemical Company to the USEPA, August 5, 1991, pp. 1–4; Letter from Fina Oil and Chemical Company to the USEPA, August 12, 1991.

[39] Letter from Fina Oil and Chemical Company to the USEPA, September 24, 1991, p. 1.

[40] Letter from Fina Oil and Chemical Company to the USEPA, December 3, 1991, p. 1.

[41] Letter from Fina Oil and Chemical Company to the USEPA, October 22, 1991, p. 1.

[42] Letter from Fina Oil and Chemical Company to the USEPA, December 19, 1991, p. 2.

Part 6 – Pathway

When American Petrofina acquired the refinery it had three outfalls that impacted the present day Site, as follows: Outfall 001, an open drainage ditch, discharged storm water runoff into the wetlands; Outfall 002, an open drainage ditch, discharged untreated, once-through cooling water into the wetlands; and Outfall 003 discharged treated process waste streams through a 24" pipe to the Motor Boat Canal and then to both the Molasses Bayou and Neches River. Contaminants from Outfalls 001 and 002 including Polycyclic Aromatic Hydrocarbons ("PAHs") and metals would have made their way to the wetlands area and/or traveled to the Molasses Bayou Waterway, which drains the wetlands proximate to the refinery.[43]

An outfall and discharge figure for the refinery dated June 27, 1981 (Figure 2), shows the Motor Boat Canal connected to the right prong of Molasses Bayou, indicating that treated process water discharged from Outfall 003 flowed to the Molasses Bayou as well as to the Neches River from the canal.[44]

In addition, the North Ditch, a 16-foot-wide ditch cut through the marsh, which historically served as the primary conveyance to the Neches River for process waste water discharged from the refinery, was repurposed to receive only emergency overflow as part of a wastewater treatment system update that took place between 1970 and 1972.[45] By 1981, the North Ditch was channelized and lined, with a flume carrying effluent over the Molasses Bayou to the Neches River. It is unclear precisely when the North Ditch was lined.

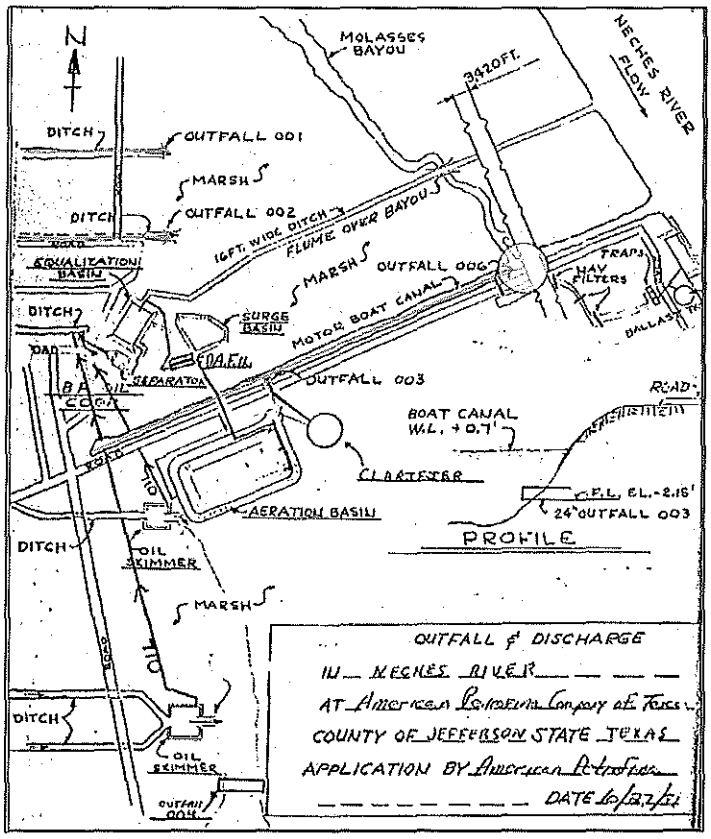


Figure 2. Source: American Petrofina, Outfall and Discharge Map, June 27, 1981

[43] B. P. Corporation, Industrial Wastewater Discharge Permit No. 00491.

[44] A 1943 USGS topographical map and USGS aerial photographs from 1952, 1956, and 1970 also support that the Motor Boat Canal flowed into Molasses Bayou as well as the Neches River.

[45] B. P. Corporation, Industrial Wastewater Discharge Permit No. 00491; Wastewater Treatment Plant, diagram, undated; Marshall Elliott and Larry Smaihall, Atlantic Richfield Refining Co., Industry Survey, November 1, 1967.

Part 7 – Nexus Summary

Refinery

American Petrofina and its successors have operated the refinery from 1973 to the present. Effluent from the refinery discharged directly to the Molasses Bayou and wetlands area proximate to the refinery from Outfalls 001 and 002.

Storm water and other flows were discharged through Outfall 001. Over time, these flows included a variety of contaminants, including spent caustic and oil, that were linked to oil sheens and elevated pH in analytical results. Wastes from Outfall 002 were found to contain a variety of semi-volatile organic compounds ("SVOCs"), volatile organic compounds ("VOCs"), PAHs, and metals, including chromium, zinc and arsenic. Treated wastewater was discharged to the Motor Boat Canal at Outfall 003. As described in Part 6, the Motor Boat Canal was connected to the Molasses Bayou.[46] Wastes documented as having been discharged from Outfall 003 in late-1970s included methylene chloride, phenol, chromium, toluene, and arsenic.[47]

Between 1991 and 1993, Fina Oil, the refinery operator, took a number of steps to eliminate the sources of petroleum product discharges through its outfalls, indicating that releases had been occurring prior to that date.[48]

Petrogas Plant

Construction of the Petrogas Plant was completed around 1976.[49] Prior to 1982, during heavy storms, oily water discharged to the Molasses Wetlands (marsh) through a ditch associated with an unpermitted outfall (Outfall 001).[50] Flows discharged to the marshy area would have flowed to the Molasses Bayou Waterway. As of 1983, storm water and process water was pumped from a surge/settling basin to the refinery's wastewater treatment system.[51] In 1991, the Petrogas Plant ceased operations and was scheduled for demolition sometime after August 1993.[52]

Steam Cracker and C4 Complex

This complex had three sumps, water from which was pumped to aboveground storage tanks and then to the adjacent refinery, where it was treated in the wastewater treatment system and discharged under an NPDES permit. The facility had one "in ground unit," known as the Outfall 001 Pond (not the Outfall 001 associated with the former Petrogas Plant). The inspection report concluded that there were "no obvious areas of concern related to surface impoundments" on site.[53]

Connection to the Star Lake Superfund Site

Based on available information, historical industrial waste water and storm water discharges associated with the Site contributed to the contamination of both the Molasses Bayou Waterway and the Molasses Bayou Wetlands AOIs. The primary contributing pathway associated with Site operations is the "right prong" of the

[46] B. P. Corporation, Industrial Wastewater Discharge Permit No. 00491; Wastewater Treatment Plant, diagram, undated.

[47] Fact Sheet (R06-9716636), December 6, 1979.

[48] Fina Oil and Chemical Company, Port Arthur Refinery: Spill Prevention Actions, October 16, 1992.

[49] George E. Maxon, Jr., letter to Cosden Oil & Chemical Co., May 6, 1976; TWQCB, Notice of Registration, May 3, 1976.

[50] David Buchanan to Gary Schroeder, interoffice memorandum, TDWR, March 8, 1982; TDWR, letter to Walter W. Loper, Plant Manager, March 8, 1982.

[51] TDWR, Notice of Registration, December 2, 1983; Burt L. St. Cyr, American Petrofina Company of Texas, letter to TDWR, February 23, 1984.

[52] Jeff Baker, letter to the TWC, August 10, 1993.

[53] David Robertson, USEPA Region 6, RCRA Inspection Report, BASF FINA Petrochemicals LP, August 6, 2008.

Part 7 – Nexus Summary

Molasses Bayou Waterway, which joins the "left prong" of the Molasses Bayou Waterway within the boundary of the Molasses Bayou Wetlands AOI.[54]

The ROD divided the Site into seven AOIs.[55] The potential source area includes the impacted sediments of the Star Lake and Jefferson Canals and the Molasses Bayou.[56] Regarding the latter, the "left prong" of the Molasses Bayou Waterway is defined as the AOI under the ROD. As defined, this AOI extends downstream of the point of confluence of the left and right prongs of the waterway to the Neches River.[57] As noted above, sampling performed in 1978 identified 24 toxic pollutants in the effluent from the refinery's Outfall 002, which was proximate to the "right prong" of the Molasses Bayou. Contamination from the "right prong" of the Molasses Bayou would have contributed to the contamination of the Molasses Bayou Waterway AOI. The following discussion of sampling results illustrates contaminant pathways to the Superfund Site, but should not be interpreted to be the only sampling information that links the refinery effluent discharges to the Site.

Surface water samples were collected from 13 locations on the Molasses Bayou during the Remedial Investigation ("RI"). PAHs, SVOCs, VOCs, and metals were detected in multiple samples. SVOCs and VOCs were detected at sample locations both upstream and downstream of the left-right-prong confluence. As an example, with regard to PAHs and metals, analysis of the surface water sample location MB-13 on the right prong of the Molasses Bayou detected PAH constituents and a number of metals. PAHs and metals were also found at surface water sample location MB-10, which is downstream of MB-13 and after the confluence of the left and right prongs of the Molasses Bayou Waterway.[58]

Surface sediment samples were collected at locations associated with the Molasses Bayou AOI during the RI. As an example, samples were collected at five locations in the Molasses Bayou Waterway AOI, including MB-13 and MB-10 downstream of the Site. PAHs and VOCs constituents, metals, and pesticides were detected in sediments. As noted above, PAHs and metals were found in effluent discharged from Site outfalls to the Molasses Bayou and Molasses Wetlands.[59]

Additional sampling conducted during the RI provides additional support for the nexus between waste water and storm water discharges from the Site and contamination of both the Molasses Bayou Waterway and the Molasses Bayou Wetlands AOIs. For example, PAHs detected in surface water sample MB-13 were also found in sample MB-49, which is downstream of the confluence of the left and right prongs of the Molasses Bayou Waterway. Metals were also detected in several downstream samples locations. At surface sediment sample location MB-51, located in wetlands adjacent to the Molasses Bayou Waterway downstream of the left-right-prong confluence, PAH and VOC constituents, metals, and PCBs found at surface sediment sample location MB-13 were detected.[60] These sample locations are shown on Figure 4-4 of the RI report (attached).

Based on the historical pathway from the TOTAL Refinery outfalls to the right prong of the Molasses Bayou and wetlands area, as well as the presence of contaminants documented as being released from the refinery to those pathways there is a nexus between the TOTAL Refinery and the contamination being addressed at the Star Lake Superfund Site and the Molasses Bayou Waterway and Wetlands AOIs in particular.[61]

---

[54] USEPA Region 6, *Record of Decision: Star Lake Canal Superfund Site*, September 2013, pp. 62–64.

[55] USEPA Region 6, *Record of Decision*, pp. 1–3, figure 2.

[56] Conestoga-Rovers & Associates and Cardno ENTRIX, *Final Tier 2 Remedial Investigation Report*, August 2011, p. 43.

[57] Conestoga-Rovers & Associates and Cardno ENTRIX, *Final Tier 2 Remedial Investigation Report*, figure 3-1.

[58] Conestoga-Rovers & Associates and Cardno ENTRIX, *Revised Draft 1 RI Report*, vol. 1, pp. 37–8, figure 5-4.

[59] Conestoga-Rovers & Associates and Cardno ENTRIX, *Revised Draft 1 RI Report*, vol. 1, pp. 42–3, figure 5-8A.

[60] Conestoga-Rovers & Associates and Cardno ENTRIX, *Revised Draft 1 RI Report*, vol. 1, figures 5-4, 5-8A; Conestoga-Rovers & Associates and Cardno ENTRIX, *Final Tier 2 Remedial Investigation Report*, August 2011, tables 6-1C, 6-2F.

[61] USEPA Region 6, *Record of Decision*, pp. 62–7.

Part 8 – Corporate Succession and Relationships

American Petrofina, Inc. to Fina, Inc.

- On April 18, 1956, American Petrofina incorporated in Delaware. The company was affiliated with Petrofina S.A., through its wholly owned subsidiary, American Petrofina Holding Company.[62]
- In April 1991, American Petrofina, Inc. changed its name to Fina, Inc.[63]
- In 1999, Total S.A. acquired Petrofina S.A. though merger and changed its name to Total Fina S.A.[64]
- In 2000, Total Fina S.A. acquired Elf Aquitaine though merger and changed its name to Total Fina Elf S.A.[65]
- In August 2000, Texas terminated Fina, Inc.'s right to transact business in the state.[66]

Cosden Oil & Chemical Company to Total Petrochemicals & Refining USA, Inc.

- On June 24, 1958, American Petrofina Company of Texas incorporated in Delaware.[67]
- In April 1963, American Petrofina, Inc. acquired assets of Cosden Petroleum Corporation and incorporated Cosden Oil & Chemical Company in Delaware as a wholly owned subsidiary. Cosden Oil & Chemical Company filed as a foreign corporation in Texas.[68]
- In July 1985, Cosden Oil & Chemical Company, American Petrofina Company of Texas, and four other companies merged, with American Petrofina Company of Texas being the surviving entity.[69]
- On July 24, 1985, American Petrofina Company of Texas changed its name to Fina Oil and Chemical Company.[70] Fina Oil and Chemical Company operated as a wholly owned subsidiary of American Petrofina, Inc./Fina, Inc.[71]
- In 1999, Total S.A. acquired Petrofina S.A. though merger and changed its name to Total Fina S.A.[72]
- In 2000, Total Fina S.A. acquired Elf Aquitaine though merger and changed its name to Total Fina Elf S.A.[73]
- On June 7, 2000, Fina Oil and Chemical Company changed its name to Atofina Petrochemicals, Inc.[74]
- In 2003, Total Fina Elf S.A. adopted the name, Total S.A.[75]
- On September 29, 2004, Atofina Petrochemicals, Inc. changed its name to Total Petrochemicals USA, Inc.[76]

---

[62] Moody's Industrial Manual, 1990, vol. 1, p. 2571.

[63] Moody's Industrial Manual, 1998, vol. 1, p. 3263.

[64] Mergent Industrial Manual, 2005, vol. 2, p. 4593, 4595.

[65] Mergent Industrial Manual, 2005, vol. 2, p. 4593, 4595.

[66] Accurint – Fina, Inc. – Corporation Report.

[67] Delaware Secretary of State, Certificate of Amendment, July 1, 1985.

[68] *Moody's Industrial Manual, 1990*, vol. 1, p. 2571; Texas Secretary of State, Certificate of Authority, Cosden Oil & Chemical Company, April 23, 1963; idem, Application, Cosden Oil & Chemical Company, April 17, 1963.

[69] Texas Secretary of State, Articles of Merger of Domestic and Foreign Corporations into American Petrofina Company of Texas, July 2, 1985; Paul D. Meek, Notice—Change of Name, undated [July 1985].

[70] Delaware Secretary of State, Certificate of Amendment, July 1, 1985.

[71] Moody's Industrial Manual, 1990, vol. 1, p. 2571; Moody's Industrial Manual, 1998, vol. 1, p. 3263.

[72] Mergent Industrial Manual, 2005, vol. 2, p. 4593, 4595.

[73] Mergent Industrial Manual, 2005, vol. 2, p. 4593, 4595.

[74] Delaware Secretary of State, Certificate of Amendment, June 7, 2000.

[75] Mergent Industrial Manual, 2005, vol. 2, p. 4593, 4595.

Part 8 – Corporate Succession and Relationships

- On January 17, 2012, Total Petrochemicals USA, Inc. changed its name to Total Petrochemicals & Refining USA, Inc.[77]

BASF FINA Petrochemicals LP

- In September 1997, BASF Corporation and Fina Oil and Chemical Company formed a joint venture, BASF FINA Petrochemicals LP, to construct a naphtha steam cracker on 60 acres adjacent to the refinery.[78]

Sabina Petrochemicals LLC to BASF TOTAL Petrochemicals LLC

- In 2000, BASF Corporation, Atofina Petrochemicals, Inc., and Shell Chemical Co. formed a joint venture, Sabina Petrochemicals LLC, to construct and operate an integrated C4 olefins complex at the site that would include the world's largest single train butadiene extraction unit.[79]
- In August 2011, Shell exited Sabina Petrochemicals LLC, leaving BASF Corporation and Total Petrochemicals & Refining USA, Inc. as sole owners of the joint venture.[80]
- In 2012, BASF Corporation and Total Petrochemicals & Refining USA, Inc. agreed to merge BASF FINA Petrochemicals LP and Sabina Petrochemicals LLC into a single joint venture, BASF TOTAL Petrochemicals LLC.[81]

[76] Delaware Secretary of State, Certificate of Amendment, September 29, 2004.

[77] Texas Secretary of State, Amendment to Registration, January 17, 2012.

[78] BASF Corporation, "BASF and Total Petrochemicals & Refining USA Inc.'s Joint Venture Changes Legal Name," news release, September 4, 2012.

[79] Alan S. Brown, "Shell, BASF, Atofina Approve Port Arthur C4 Olefins Complex," *Chemical Online*, 11/3/2000.

[80] BASF Corporation, "BASF and Total Petrochemicals & Refining USA Inc.'s Joint Venture Changes Legal Name," press release, September 4, 2012.

[81] BASF Corporation, "BASF and Total Petrochemicals & Refining USA Inc.'s Joint Venture Changes Legal Name," press release, September 4, 2012.

Part 9 – Acronym List
AOI – Area of Investigation
ARCO – Atlantic Richfield Company
BFLP – BASF FINA Petrochemicals LP
BOD – Biological Oxygen Demand
CAS – Carbon Adsorption System
Cosden – Cosden Oil & Chemical Company
CPI – Corrugated Plate Interceptor
lbs. – pounds
LPG – Liquefied Petroleum Gas
mg/L – milligrams per liter
MNR – Monitored Natural Recovery
NOV – Notice of Violation
NPDES – National Pollutant Discharge Elimination System
NSPS – Standards of Performance for New Stationary Sources
PAH – Polycyclic Aromatic Hydrocarbon
PCB – Polychlorinated Biphenyl
RCRA – Resource Conservation and Recovery Act
ROD – Record of Decision
SVOC – Semi-Volatile Organic Compound
TCEQ – Texas Commission of Environmental Quality
TDWR – Texas Department of Water Resources
TWC – Texas Water Commission
TWQCB – Texas Water Quality Control Board
USEPA – United States Environmental Protection Agency
USGS – United States Geological Survey
VOC – Volatile Organic Compound

Table and Figure

Table 1: NPDES Violations for Outfalls*

Year	Outfall	BOD_5	Oil & Grease	pH	TSS	Ammonia-Nitrogen	TOC	Phenol
1985[1]	Outfall 1	-	1[3]	1[4]	-	-	13[8]	-
	Outfall 3	9[2]	-	1[5]	1[6]	69[7]	-	-
1986[9]	Outfall 1	-	1	1	-	-	10	-
	Outfall 2	-	-	1	-	-	-	-
	Outfall 3	10	3	2	2	32	-	-
	Outfall 4	-	-	1	-	-	-	-
1987[10]	No data							
1988[11]	Outfall 4		1					
1989[12]	Outfall 1	-	-	1	-	-	-	-
	Outfall 2	-	6	1	-	1	-	-
	Outfall 3	3	1	4	-	1	-	-
1990[13]	Outfall 1	-	-	3	-	-	-	-
	Outfall 2	-	1	-	-	-	1	-
	Outfall 3	7	3	1	5	4	2	2
1991[14]	Outfall 1	-	3	25	-	-	4	-
	Outfall 2	-	3	3	-	-	2	-
	Outfall 3	10	1	3	3	10	-	1
	Outfall 4	-	2	-	-	-	-	-

* The outfall is only listed if a NPDES violation occurred during the year.

[1] The exceedances for the year 1985 came from letters sent from American Petrofina Company to the USEPA. The letters appear to only cover the first half of 1985.

[2] Letters from American Petrofina Company of Texas to the USEPA, 5/16/1985 (3 exceedances); 6/13/1985 (3); 6/26/1985 (3).

[3] Letter from American Petrofina Company of Texas to the USEPA, RE: Outfall 1, 6/18/1985.

[4] Letter from American Petrofina Company of Texas to the USEPA, 2/1/1985.

[5] Letter from American Petrofina Company of Texas to the USEPA, 2/20/1985.

[6] Letter from American Petrofina Company of Texas to the USEPA, 6/7//1985.

[7] Letters from American Petrofina Company of Texas to the USEPA, 2/12/1985 (16 exceedances) 3/1/1985 (8); 3/19/1985 (3); 3/25/1985 (1); 4/03/1985 (2); 4/12/1985 (3); 4/19/1985 (3); 4/26/1985 (3); 5/03/1985 (3); 5/10/1985 (3); 5/17/1985 (2); 5/24/1985 (2); 5/31/1985 (3); 6/07/1985 (3); 6/13/1985 (2); RE: Outfall 3, 6/18/1985 (2); 6/24/1985 (2); 6/27/1985 (2); 7/03/1985 (3); 7/10/1985 (3).

[8] Letters from American Petrofina Company of Texas to the USEPA, 1/10/1985 (2 exceedances); 1/16/1985 (2); 1/22/1985 (1); 2/5/1985 (1); 2/8/1985 (3); 3/8/1985 (1); 4/4/1985 (1); 6/13/1985 (1); 6/18/1985 (1).

[9] Discharge Monitoring Reports, January – December 1986.

[10] No data available for 1987.

[11] Data is only available for October through December. No violations noted for these months. See NPDES Violation Summary, 1988-1990.

[12] NPDES Violation Summary, 1988-1990.

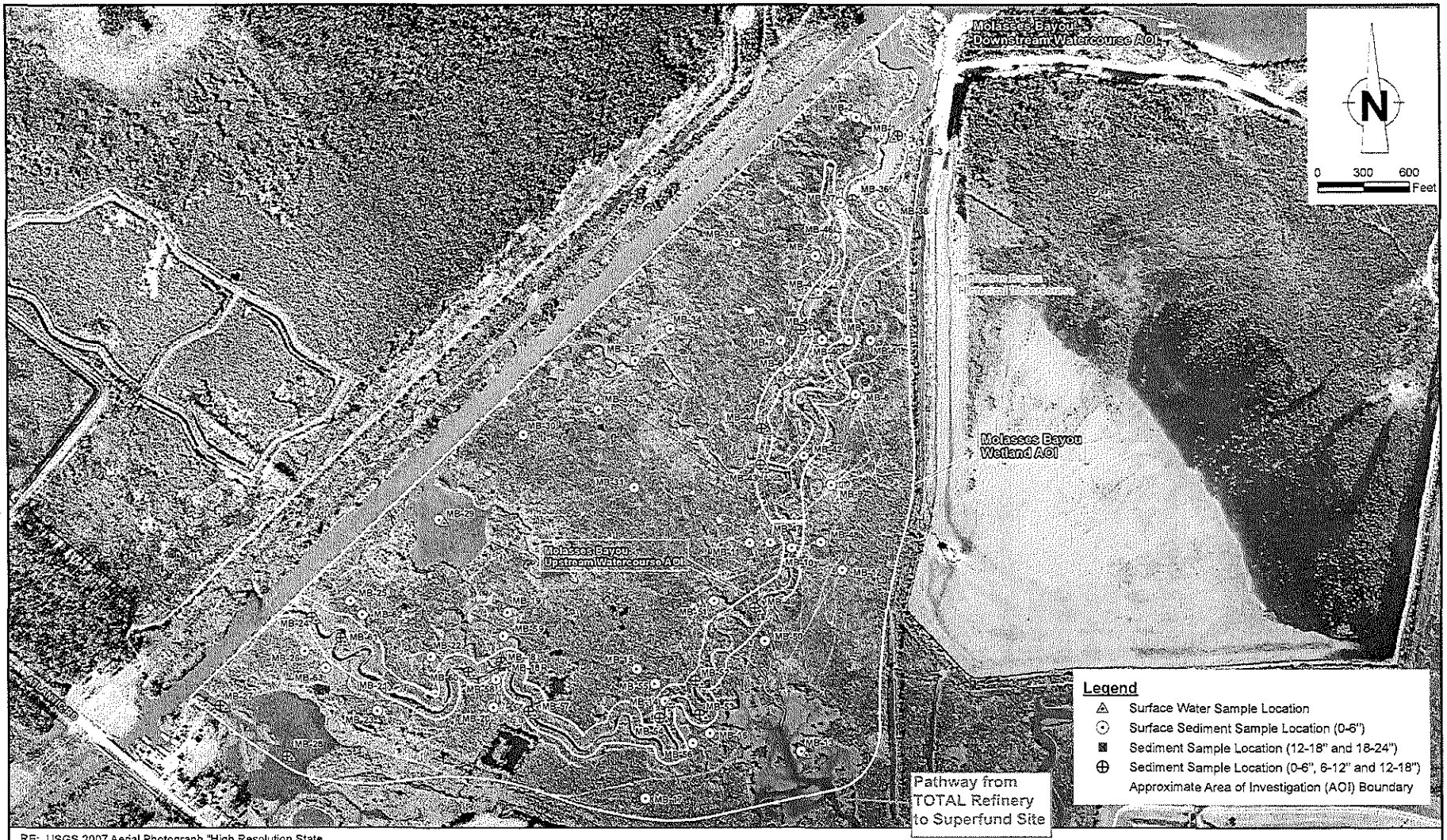
[13] NPDES Violation Summary, 1988-1990.

[14] Discharge Monitoring Reports, January – December 1991.

ENCLOSURE 3

STAR LAKE CANAL SUPERFUND SITE
PORT NECHES & GROVES, JEFFERSON COUNTY, TEXAS
GENERAL NOTICE LETTER

MAP & AERIAL PHOTO

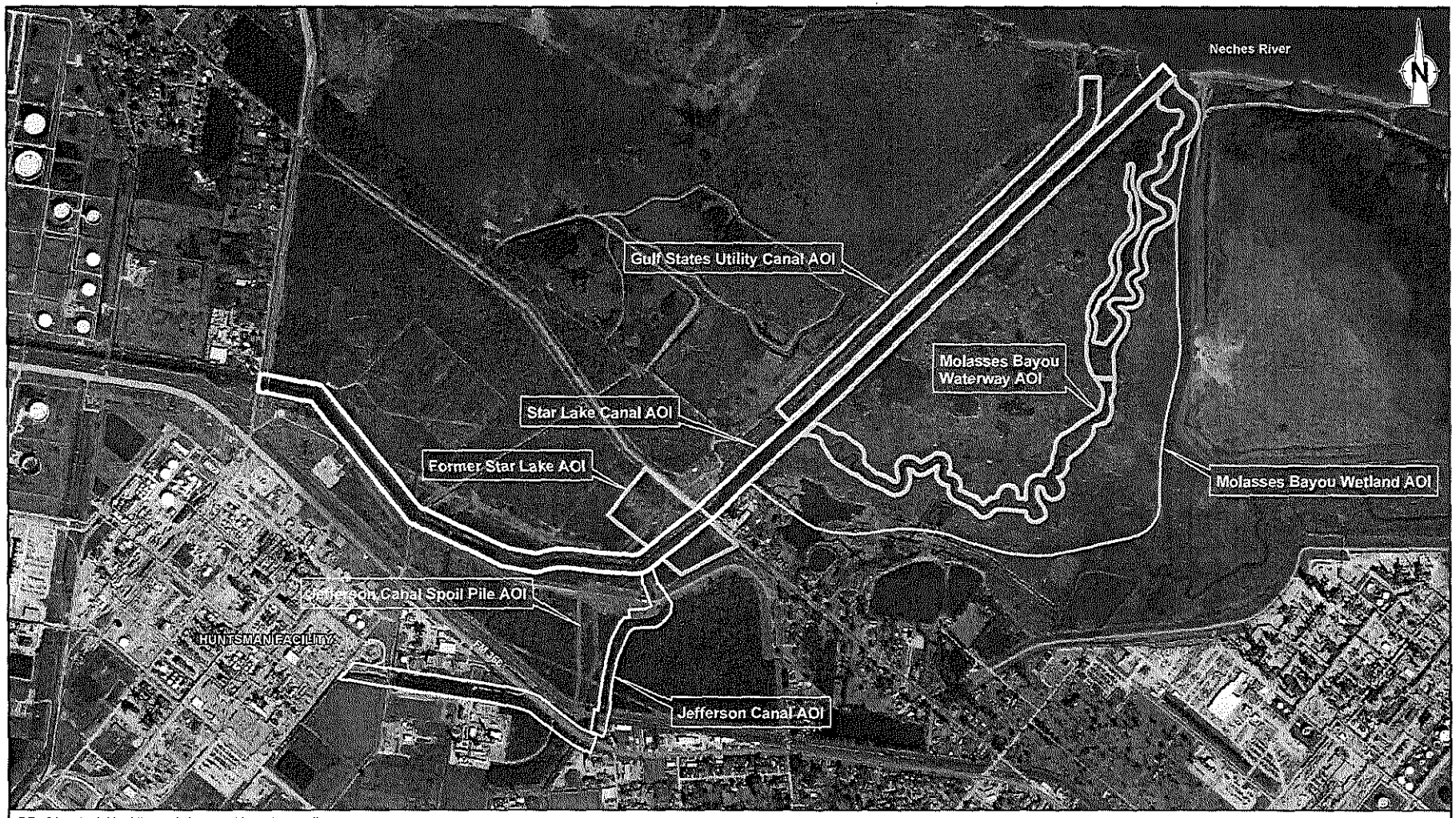


RE: USGS 2007 Aerial Photograph "High Resolution State Orthoimagery for Southeast Texas."

Figure 4-4

TIER 1 AND TIER 2 REMEDIAL INVESTIGATION SAMPLE LOCATIONS - MOLASSES BAYOU UPSTREAM, DOWNSTREAM, AND WETLAND AOIs
STAR LAKE CANAL SUPERFUND SITE, JEFFERSON COUNTY, TEXAS
Chevron Environmental Management Company, Bellaire, Texas

27545-00(014)PR-BR003 SEPT 10/2010
013933



RE: 2010 Aerial by Microsoft Corp and its data suppliers.

0 500 1,000
Feet

Figure 1-3
SITE MAP - AREAS OF INVESTIGATION
STAR LAKE CANAL SUPERFUND SITE, JEFFERSON COUNTY, TEXAS
Chevron Environmental Management Company, Houston, Texas

27545-00(015)PR-BR004 MAR 29/2012
017717

ENCLOSURE 4

STAR LAKE CANAL SUPERFUND SITE
PORT NECHES & GROVES, JEFFERSON COUNTY, TEXAS
GENERAL NOTICE LETTER

SMALL BUSINESS RESOURCES FACT SHEET

United States
Environmental Protection
Agency

Office of Enforcement and Compliance Assurance (2201A)
EPA 300-F-03-001 October 2003

Office of Enforcement and Compliance Assurance

INFORMATION SHEET

U. S. EPA Small Business Resources

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance and tools to assist you in complying with federal and state environmental laws. These resources can help you understand your environmental obligations, improve compliance and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

Hotlines, Helplines and Clearinghouses

EPA sponsors approximately 89 free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements.

The National Environmental Compliance Assistance Clearinghouse provides quick access to compliance assistance tools, contacts, and planned activities from the U.S. EPA, states, and other compliance assistance providers:
www.epa.gov/clearinghouse

Pollution Prevention Clearinghouse
www.epa.gov/opptintr/library/ppicindex.htm

EPA's Small Business Ombudsman Hotline provides regulatory and technical assistance information.
(800) 368-5888

Emergency Planning and Community Right-To-Know Act
(800) 424-9346

National Response Center (to report oil and hazardous substance spills)
(800) 424-8802

Toxics Substances and Asbestos Information
(202) 554-1404

Safe Drinking Water
(800) 426-4791

Stratospheric Ozone Refrigerants Information
(800) 296-1996

Clean Air Technology Center
(919) 541-0800

Wetlands Helpline
(800) 832-7828

EPA Websites

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. If you don't have access to the Internet at your business, many public libraries provide access to the Internet at minimal or no cost.

EPA's Home Page
www.epa.gov

Small Business Assistance Program
www.epa.gov/ttn/sbap

Compliance Assistance Home Page
www.epa.gov/compliance/assistance

Office of Enforcement and Compliance Assurance
www.epa.gov/compliance

Small Business Ombudsman
www.epa.gov/sbo

Innovative Programs for Environmental Performance
www.epa.gov/partners

U.S. EPA SMALL BUSINESS RESOURCES

Compliance Assistance Centers

In partnership with industry, universities, and other federal and state agencies, EPA has established Compliance Assistance Centers (Centers) that provide information targeted to industries with many small businesses. All Centers can be accessed at: http://www.assistancecenters.net

Metal Finishing
(1-800-AT-NMFRC or www.nmfrc.org)

Printing
(1-888-USPNEAC or www.pneac.org)

Automotive Service and Repair
(1-888-GRN-LINK or www.ccar-greenlink.org)

Agriculture
(1-888-663-2155 or www.epa.gov/agriculture)

Printed Wiring Board Manufacturing
(1-734-995-4911 or www.pwbrc.org)

Chemical Industry
(1-800-672-6048 or www.chemalliance.org)

Transportation Industry
(1-888-459-0656 or www.transource.org)

Paints and Coatings
(1-800-286-6372 or www.paintcenter.org)

Construction Industry
(www.cicacenter.org)

Automotive Recycling Industry
(www.ecarcenter.org)

US / Mexico Border Environmental Issues
(www.bordercenter.org)

State Agencies

Many state agencies have established compliance assistance programs that provide on-site and other types of assistance. Contact your local state environmental agency for more information or call EPA's Small Business Ombudsman at (800)-368-5888 or visit the Small Business Environmental Homepage at http://www.smallbiz-enviroweb.org.

Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has two policies that potentially apply to small businesses: The Small Business Policy (http://www.epa.gov/compliance/incentives/smallbusiness) and Audit Policy (http://www.epa.gov/compliance/incentives/auditing).

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established an ombudsman ("SBREFA Ombudsman") and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The SBREFA Ombudsman will annually rate each agency's responsiveness to small businesses. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System (NAICS) designation, number of employees or annual receipts, defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community because the regulated community previously commented on its activities.

Your Duty to Comply

If you receive compliance assistance or submit comments to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act (SBREFA) or related provisions.

ENCLOSURE 5

STAR LAKE CANAL SUPERFUND SITE
PORT NECHES & GROVES, JEFFERSON COUNTY, TEXAS

PARTIES THAT PREVIOUSLY RECEIVED GENERAL AND/OR SPECIAL NOTICE

Special Notice Letter: December 17, 2002

Chevron/Texaco, Inc.
Calabrain Corporation (Chemall, Inc.)
Ameripol Synpol Corporation
Riverside Chemical Company
H&R Chemicals, Inc.
Huntsman Petrochemical Corporation
IDACON, Inc. (formerly Sonford Chemical Company)
Jefferson County Drainage District Number 7

General Notice Letter: March 18, 2003

Goodrich Corporation
KMG-Bernuth, Inc.

Special Notice Letter: September 15, 2014

Goodrich Corporation
Chevron Corporation
Huntsman Petrochemical LLC
Jefferson County Drainage District Number 7
KMG-Bernuth, Inc.
Michelin North America, Inc.
Pfizer Inc.
U.S. General Services Administration

Special Notice Letter: January 6, 2015

Bridgestone Americas Tire Operations, LLC
Chevron Corporation
Goodrich Corporation
Huntsman Petrochemical LLC
Jefferson County Drainage District Number 7
KMG-Bernuth, Inc.
Michelin North America, Inc.
Pfizer Inc.
U.S. General Services Administration

ENCLOSURE 6

STAR LAKE CANAL SUPERFUND SITE
PORT NECHES & GROVES, JEFFERSON COUNTY, TEXAS

PARTIES RECEIVING GENERAL NOTICE/104(E) LETTER

BASF TOTAL Petrochemicals LLC
C T Corporation System
Registered Agent
1999 Bryan Street, Suite 900
Dallas, Texas 75201

cc: BASF TOTAL Petrochemicals LLC
c/o Christopher Zaro
100 Park Ave
Florham Park, New Jersey 07932

BP America Inc.
C T Corporation System
Registered Agent
1999 Bryan St., Ste. 900
Dallas, TX 75201

cc: BP America Inc.
Legal Department
PO Box 940100
Houston, Texas 77094-7100

TOTAL Petrochemicals & Refinery, USA, Inc.
C T Corporation System
Registered Agent
1999 Bryan Street, Suite 900
Dallas, Texas 75201

cc: TOTAL Petrochemicals & Refinery, USA, Inc.
Legal Department
1201 Louisiana Street, Suite 1800
Houston, Texas 77002

ROUTING AND APPROVAL FORM

Date: 10/02/17

TO: (Name, office symbol, room number, building, Agency/Post)	Initials	Date
1. Ken Talton - 6SF-TE	KT	10/3/17
2. Lydia Johnson - 6SF-TE	LJ	10/12/17
3. Gary Miller - 6SF-RA	MRM	10/16/17
4. Carlos Sanchez - 6SF-RA	CAS	10/17/17
5. Dyiann Twine, Log in 6RC-S	DT	10/31/17
6. Ed Quinones - 6RC-S	EQ	10/30/17
7. ~~Mark Peycke - 6RC-S~~	MP	10/30
8. Deborah Greenwell, Log in 6SF-T		
9. Ban Banipal - 6SF-T	BB	11/1/17
10. Deborah Greenwell, Log out 6SF-T		

☐	Action	☐	File	☐	Note and Return
☒	Approval	☐	For Clearance	☐	Per Conversation
☐	As Requested	☐	For Correction	☐	Prepare Reply
☒	Circulate	☐	For Your Information	☐	See Me
☐	Comment	☐	Investigate	☒	Signature
☐	Coordination	☐	Justify		

REMARKS

Combo Gen Notice/104(e) letters to 3 PRPs - Star Lake Canal Superfund Site.

[Mailing on hold, pending management approval]

FROM: (Name, org. symbol, Agency/Post)	Room No. – Bldg.
Lance Nixon	10.110
	Phone No. (214) 665-2203

ORD OF - 41

(Rev. 5-14) (WebForms v3.7)

GENERAL NOTICE LETTER/104(e) REQUEST
URGENT LEGAL MATTER, PROMPT REPLY NECESSARY
CERTIFIED MAIL, RETURN RECEIPT REQUESTED #7014 0150 0000 2454 1028

BASF TOTAL Petrochemicals LLC
C T Corporation System
Registered Agent
1999 Bryan Street, Suite 900
Dallas, Texas 75201

Re: Star Lake Canal Superfund Site located in and around the cities of Port Neches and Groves, Jefferson County, Texas; General Notice Letter and CERCLIS #: TX0001414341; Information Request Pursuant to CERCLA Section 104(e), 42 U.S.C. §9604(e), Information Request

Dear Sir or Madam:

The purpose of this letter is threefold, the first purpose is to notify BASF TOTAL Petrochemicals LLC (hereinafter BASF TOTAL Petrochemicals LLC is referred to as "Respondent," "you" or "your") of its potential liability at the Star Lake Canal Superfund Site (Site) located in and around the cities of Port Neches and Groves, Jefferson County, Texas. The second purpose of this letter is to inform you of an existing group of potentially responsible parties (PRPs) that have entered into a settlement agreement with the U.S. Environmental Protection Agency (EPA) to develop a detailed plan for implementation of the Remedial Action selected in EPA's September 30, 2013, Record of Decision (ROD). The third purpose of this letter is to seek your cooperation in providing information and documents relating to the contamination of the Site. (Enclosure 1) Our records indicate that hazardous substances originating from Respondent's property in Jefferson County, Texas may have been released onto the Molasses Bayou Wetland and/or the Molasses Bayou Waterway in Jefferson County, Texas. The Molasses Bayou Wetland and the Molasses Bayou Waterway are two areas of interest (AOI) both being parts of the Site. (Enclosure 2)

BACKGROUND INFORMATION

Star Lake Canal Superfund Site (Site) is located in and around the cities of Port Neches and Groves, Jefferson County, Texas (Map & Aerial Photo, Enclosure 3). The Site includes two industrial canals (Star Lake Canal and Jefferson Canal) and an adjacent wetland area (Molasses Bayou).

The Site is comprised of seven areas of interest (AOI) within or abutting the lengths of two industrial canals from their origins to the confluence of Star Lake Canal with the Neches River and the adjacent wetland area: The Star Lake Canal AOI, the Jefferson Canal AOI, the former Star Lake AOI, the Jefferson Canal Spoil Pile AOI, the Gulf States Utility Canal AOI, the Molasses Bayou Waterway AOI, and the Molasses Bayou Wetland AOI.

Talton 6SF-TE	Johnson 6SF-TE	Miller 6SF-RA	Sanchez 6SF-RA	Quinones 6RC-S	Peycke 6RC-S	Banipal 6SF-T
10/5/17	10/12/17 10/16/17		10/17/17	EQ 10/3/17	10/30/17	11/1/17

GENERAL NOTICE LETTER/104(e) REQUEST
URGENT LEGAL MATTER, PROMPT REPLY NECESSARY
CERTIFIED MAIL, RETURN RECEIPT REQUESTED #7014 0150 0000 2454 1042

BP America Inc.
C T Corporation System
Registered Agent
1999 Bryan St., Ste. 900
Dallas, TX 75201

Re: Star Lake Canal Superfund Site located in and around the cities of Port Neches and Groves, Jefferson County, Texas; General Notice Letter and CERCLIS #: TX0001414341; Information Request Pursuant to CERCLA Section 104(e), 42 U.S.C. §9604(e), Information Request

Dear Sir or Madam:

The purpose of this letter is threefold. The first purpose is to notify BP America Inc., (hereinafter BP America Inc., is referred to as "Respondent," "you" or "your") of its potential liability at the Star Lake Canal Superfund Site (Site) located in and around the cities of Port Neches and Groves, Jefferson County, Texas. The second purpose of this letter is to inform you of an existing group of potentially responsible parties (PRPs) that have entered into a settlement agreement with the U.S. Environmental Protection Agency (EPA) to develop a detailed plan for implementation of the Remedial Action selected in EPA's September 30, 2013, Record of Decision (ROD). The third purpose of this letter is to seek your cooperation in providing information and documents relating to the contamination of the Site. (Enclosure 1) Our records indicate that hazardous substances originating from Respondent's property in Jefferson County, Texas may have been released onto the Molasses Bayou Wetland and/or the Molasses Bayou Waterway in Jefferson County, Texas. The Molasses Bayou Wetland and the Molasses Bayou Waterway are two areas of interest (AOI) both being parts of the Site. (Enclosure 2)

BACKGROUND INFORMATION

Star Lake Canal Superfund Site (Site) is located in and around the cities of Port Neches and Groves, Jefferson County, Texas (Map & Aerial Photo, Enclosure 3). The Site includes two industrial canals (Star Lake Canal and Jefferson Canal) and an adjacent wetland area (Molasses Bayou).

The Site is comprised of seven areas of interest (AOI) within or abutting the lengths of two industrial canals from their origins to the confluence of Star Lake Canal with the Neches River and the adjacent wetland area: The Star Lake Canal AOI, the Jefferson Canal AOI, the former Star Lake AOI, the Jefferson Canal Spoil Pile AOI, the Gulf States Utility Canal AOI, the Molasses Bayou Waterway AOI, and the Molasses Bayou Wetland AOI.

Talton 6SF-TE	Johnson 6SF-TE	Miller 6SF-RA	Sanchez 6SF-RA	Quinones 6RC-S	Peycke 6RC-S	Banipal 6SF-T
10/31/17	10/12/17	10/18/17	10/17/17	10/31/17	10/30/17	11/1/17

GENERAL NOTICE LETTER/104(e) REQUEST
URGENT LEGAL MATTER, PROMPT REPLY NECESSARY
CERTIFIED MAIL, RETURN RECEIPT REQUESTED #7014 0150 0000 2454 1035

TOTAL Petrochemicals & Refinery, USA, Inc.
C T Corporation System
Registered Agent
1999 Bryan Street, Suite 900
Dallas, Texas 75201

Re: Star Lake Canal Superfund Site located in and around the cities of Port Neches and Groves, Jefferson County, Texas; General Notice Letter and CERCLIS #: TX0001414341; Information Request Pursuant to CERCLA Section 104(e), 42 U.S.C. §9604(e), Information Request

Dear Sir or Madam:

The purpose of this letter is threefold. The first purpose is to notify TOTAL Petrochemicals & Refinery, USA, Inc., (hereinafter TOTAL Petrochemicals & Refinery, USA, Inc., is referred to as "Respondent," "you" or "your") of its potential liability at the Star Lake Canal Superfund Site (Site) located in and around the cities of Port Neches and Groves, Jefferson County, Texas. The second purpose of this letter is to inform you of an existing group of potentially responsible parties (PRPs) that have entered into a settlement agreement with the U.S. Environmental Protection Agency (EPA) to develop a detailed plan for implementation of the Remedial Action selected in EPA's September 30, 2013, Record of Decision (ROD). The third purpose of this letter is to seek your cooperation in providing information and documents relating to the contamination of the Site. (Enclosure 1) Our records indicate that hazardous substances originating from Respondent's property in Jefferson County, Texas may have been released onto the Molasses Bayou Wetland and/or the Molasses Bayou Waterway in Jefferson County, Texas. The Molasses Bayou Wetland and the Molasses Bayou Waterway are two areas of interest (AOI) both being parts of the Site. (Enclosure 2)

BACKGROUND INFORMATION

Star Lake Canal Superfund Site (Site) is located in and around the cities of Port Neches and Groves, Jefferson County, Texas (Map & Aerial Photo, Enclosure 3). The Site includes two industrial canals (Star Lake Canal and Jefferson Canal) and an adjacent wetland area (Molasses Bayou).

The Site is comprised of seven areas of interest (AOI) within or abutting the lengths of two industrial canals from their origins to the confluence of Star Lake Canal with the Neches River and the adjacent wetland area: The Star Lake Canal AOI, the Jefferson Canal AOI, the former Star Lake AOI, the Jefferson Canal Spoil Pile AOI, the Gulf States Utility Canal AOI, the Molasses Bayou Waterway AOI, and the Molasses Bayou Wetland AOI.

Talton 6SF-TE	Johnson 6SF-TE	Miller 6SF-RA	Sanchez 6SF-RA	Quinones 6RC-S	Peycke 6RC-S	Banipal 6SF-T
10/3/17	10/12/17	10/16/17	10/17/17	10/3/17	10/20/17	11/1/17